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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,945	08/03/2000	Juha Rinne	460-009575-US(PAR)	9273

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,945

Applicant(s)

RINNE ET AL.



Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claim 15 is allowed.
2. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

3. The following is a statement of reasons for the indication of allowable subject matter:

The closest of references Eichinger (U.S. Patent No. 6,370,374), Ogasawara (U.S. Pub. No.20020016740), and Hayek (U.S. Patent No. 6,224,254) of the prior art of record fails to teach or suggest, the user data identification module access rights of the user for communicating with the mobile communication device by wireless via a first portion of the electromagnetic spectrum to mobile communication system; interrogating the user data identification module by the wireless communication device via a second portion of the electromagnetic spectrum to attain a transmitting of the user ID data from the data ID module to the wireless communication device, the second spectral portion is being different from the first spectral portion is transmitting the user identification data via the second spectral portion at least party in a wireless manner from the user data identification module to the wireless communication device, as cited in claim 15.

In addition, the prior art of record fails to teach or suggest, the identification module is placed in the first wireless communication device, wherein to find out the access rights of the user, the identification module placed in the first wireless communication device is assigned in the other wireless communication device, as cited in claims 3 and 7.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-6, 8, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichinger (U.S. Patent No. 6,370,374) in view of Ogasawara (U.S. Pub. No. 2002/0016740).

Regarding to claims 1, 5 and 10 Eichinger teaches a method for transmitting user identification data to a wireless communication device (see fig. 1, mobile radio) in which method the user data are stored in the identification module (see fig. 1, SIM card), wherein in connection and communication directly between the wireless communication device (see figs. 1, and 2). The user data stored in the identification module are examined to find out the access rights of the user of the wireless communication device, wherein the user identification data are transmitted from the identification module to the wireless communication device (see figs. 1, 2 and 3, col. 4, lines 38-60). But Eichinger fails to show the data transmitted from the identification module to the wireless communication device is in a wireless manner.

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However, Ogasawara teaches the wireless identification customer ID card or smart card. The customer ID card suitably comprises a personal memory card or data card which looks and feels much like an ordinary credit card and which is able to transmit and receive information in wireless manner (see fig. 7, ID card 10 and pages 4-5 session [0038-0040]).

Therefore it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Eichinger system's SIM card and the teaching of Ogasawara with the wireless customer ID card thereto in order to provide user with the convenience to use the wireless SIM cards.

Regarding to claims 2 and 6, Eichinger teaches wherein the user data stored in the identification module (SIM) are used in connection with at least a first and a second wireless communication device to find out the access rights of the user (see figs. 1, 2 and 3, and col. 7 lines 13-55).

Regarding to claim 4, Ogasawara teaches wherein the transmission of user data, that is using radio-frequency signals (see page 5 section 0040).

Regarding to claim 8, Eichinger teaches the user data identification module (see fig. 1, SIM card), for transmitting user data comprise the transmitter and the receiver for transmitting and receiving low power radio frequency signals (see page 6, section [0050] lines 20-24).

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Regarding to claim 11, Eichinger teaches the wireless communication device (see fig. 1, mobile radio) it is a GSM mobile station (see col. 1, lines 14-17).

Regarding to claim 12, Eichinger teaches the wireless communication device (see fig. 1, mobile radio) setting the access rights for the wireless communication device, wherein the access rights for the wireless communication device are arranged to be limited (see col. 5 lines 42-63), if the user data are not received from the identification module (see fig. 1, SIM card) in the wireless communication device.

Regarding to claim 13, Eichinger teaches the SIM card comprises the all the user ID Number, Access Number, Access String and LOCI, ROM, CPU, RAM and EEPROM, this is obvious to the ID module, the SIM card is installed in the PC card instead of inserted in the module, (see fig. 2, SIM card). However, the identification module is operative with the SIM card, they are in one unit, SIM card or identification module, except the wireless transmission that is teaching by Ogasawara (see rejection claim 1).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichinger (U.S. Patent No. 6,370,374) in view of Ogasawara (U.S. Pub. No.20020016740) Further in view of Hayek (U.S. Patent No. 6,224,254).

Regarding to claim 9, Eichinger teaches the user data identification module (see fig. 1, SIM card), it is arranged to be portable with the user. But Eichinger or Ogasawara fails to show the user data identification module that is arranged to be portable with the user preferably to be attached to the wrist.

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However, Hayek teaches a radio telephone watch with a SIM card allowing access to mobile communication system and allowing access to data stored in SIM card that it is arranged to be portable with the user preferably to be attached to the wristwatch (see figs. 1 and 2 A-B, and abstract lines 1-13).

Therefore, it would have been obvious to one ordinary skill in the art at the time invention was made to modified Eichinger and Ogasawara systems by providing the teaching of Hayek with a wristwatch mounting technique thereto in order to provide user with convenience to access when in sport.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hayek (U.S. Patent No. 6,224,254) discloses radiotelephone timepiece including a SIM card.

Ogasawara (U.S. Pub. No. 2002/0016740) discloses system and method for customer recognition using wireless identification and visual data transmission.

Eichinger (U.S. Patent No. 6,370,374) discloses personal chip card for a module radio terminal.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

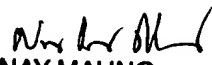
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Nay Maung, can be reached at (703) 308-7745.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
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June 10, 2003


NAY MAUNG
PRIMARY EXAMINER